

EXHIBIT I

September 12, 2007

THE M/V NORASIA

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[1]
[2] UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
[3]
MICHAEL STEPSKI, KIRSTEN STEPSKI,
[4] his Wife; GEAL RODERICK and
BENJAMIN SCHOBER,
[5] Case No
Plaintiffs, 06 CV 01695 (CM)
[6]
- vs -
[7]
THE M/V NORASIA ALYA, her owners,
[8] operators, etc., and MS "ALENA"
SCHIFFAHRTSGESELLSCHAFT mbH & CO.,
[9] KG, PETER DOEHLER SCHIFFAHRTS-KG,
[10] Defendants.
[11]
[12]
[13]
[14] Deposition of ADRIAN CALMANESCU,
[15] taken by Plaintiffs, pursuant to Notice, at the
[16] offices of Blank Rome, LLP, The Chrysler Building,
[17] 405 Lexington Avenue, New York, New York, on
[18] Wednesday, September, 12, 2007 commencing at 10:06
[19] a.m., before Linda D. Danelczyk, a Certified
[20] Shorthand Reporter, Registered Professional
[21] Reporter and a Notary Public of the State of New
[22] York.
[23]
[24]
[25]

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[1]
[2] Appearances:
[3]
THOMAS H. HEALEY, ESQUIRE
[4] Attorney for Plaintiffs
17 Battery Place, Suite 605
[5] New York, New York 10004
[6]
[7]
BLANK ROME, LLP
[8] Attorneys for Defendants
The Chrysler Building
[9] 405 Lexington Avenue
New York, New York 10174-0208
[10]
BY: ALAN M. WEIGEL, ESO.
[11]
[12] ALSO PRESENT:
[13]
[14] NADIA SHARON-SCHWARTZ, Interpreter
[15] TERRENCE GARGAN
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

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[1]
[2]
[3] IT IS HEREBY STIPULATED AND
[4] AGREED that the filing and sealing of
[5] the within deposition be, and the
[6] same are hereby waived;
[7] IT IS FURTHER STIPULATED AND
[8] AGREED that all objections, except as
[9] to the form of the question, be and
[10] the same are hereby reserved to the
[11] time of the trial;
[12] IT IS FURTHER STIPULATED AND
[13] AGREED that the within deposition may
[14] be sworn to before any Notary Public
[15] with the same force and effect as if
[16] sworn to before a Judge of this
[17] Court;
[18] IT IS FURTHER STIPULATED that
[19] the transcript is to be certified by
[20] the reporter.
[21]
[22]
[23]
[24]
[25]

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[1] [2] ADIA SHARON-SCHWARTZ,
 [3] called as the official interpreter in this
 [4] matter, was duly sworn by a Notary Public of
 [5] the State of New York, (Linda D. Danelczyk),
 [6] to translate accurately and faithfully the
 [7] questions propounded to the witness from
 [8] English into Rumanian and the answers given by
 [9] the witness from Rumanian into English.

[10] [11] A D R I A N C A L I M A N E S C U, having
 [12] been first duly sworn by a Notary Public of
 [13] the State of New York, (Linda D. Danelczyk),
 [14] according to law, was examined and testified
 [15] as follows:

EXAMINATION
 BY MR. HEALEY:

[16] [17] Q: All right. I introduced myself,
 [18] right? Tom Healey.
 [19] A: Yes.
 [20] Q: And you're captain. Do you have
 [21] captain's paper?
 [22] A: No.
 [23] Q: Do you have a captain's license?
 [24] A: No.

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[1] [2] *A. Calimanescu*
 [3] bridge that says "The Language On The Ship Is To
 [4] Be English"?
 [5] A: English.
 [6] Q: Are you comfortable listening to me
 [7] and speaking in English?
 [8] A: Yes.
 [9] Q: You understand, because we have an
 [10] interpreter here, if we can — I'm going to try to
 [11] do this simply in English and you answers in
 [12] English.
 [13] All right?
 [14] A: Yes.
 [15] Q: Look, if you don't understand, see,
 [16] since English is your second language, if you
 [17] don't understand, tell us or make sure it's clear
 [18] and only then, if necessary, will we use the
 [19] interpreter. But we're going to try this in
 [20] English, correct?
 [21] A: Okay.
 [22] Q: Give me a little background. What's
 [23] your birth date?
 [24] A: 30 September '71, 1971.
 [25] Q: And your citizenship, still
 [26] Rumanian?

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[1] [2] *A. Calimanescu*
 [3] Q: Tell me your name?
 [4] A: Adrian Calimanescu.
 [5] Q: Say it again.
 [6] MR. WIEGEL: Calimanescu.
 [7] THE INTERPRETER: Calimanescu.
 [8] MR. HEALEY: I got it. I just
 [9] want politeness. My pronunciation.
 [10] Q: Calimanescu is close enough?
 [11] A: Yes. Yes.
 [12] Q: I'm here to ask you some questions
 [13] about a voyage of the NORASIA ALYA in May of
 [14] 2002 —
 [15] MR. GARGAN: '4 '4.
 [16] Q: I mean 2004.
 [17] Now hold on a minute, please. I
 [18] don't speak — Rumanian is your native tongue?
 [19] A: Right.
 [20] Q: I could hardly pronounce your name.
 [21] You could only speak English.
 [22] Do you understand me when I'm
 [23] speaking to you?
 [24] A: I understand you.
 [25] Q: Am I correct that at least on the
 [26] NORASIA ALYA it's — there's a big sign on the

[1] [2] *A. Calimanescu*
 [3] A: Still Rumanian.
 [4] Q: At present, what is your occupation?
 [5] A: Seaman. Third mate.
 [6] Q: And do you have any licenses?
 [7] A: Third mate license.
 [8] Q: Who issued that?
 [9] A: Rumanian authority. National
 [10] Rumanian Authority.
 [11] Q: When was the third mate's license
 [12] issued to you?
 [13] A: 1996.
 [14] Q: And now this was — you got your
 [15] third mate's license in 1996 and it's a Rumanian
 [16] license?
 [17] A: Yes.
 [18] Q: Do you have any other licenses from
 [19] any other government?
 [20] A: Liberia make it under.
 [21] Q: The Liberian endorsement, is that
 [22] what he was telling us?
 [23] MR. WIEGEL: Yes.
 [24] MR. HEALEY: Okay. Got you.
 [25] All right.
 [26] Q: Now, that's a third mate's license,

[1] **A. Calimanescu**
[2] all right.
[3] **A:** Right.
[4] **Q:** And so you have sailed as a third
[5] mate?
[6] **A:** Yes.
[7] **Q:** Does that license entitle you to
[8] sail in any other rating; second mate, chief
[9] officer?
[10] **A:** Only second mate. According to the
[11] new regulations.
[12] **Q:** So the present license, the present
[13] licenses, you can sail in the second or third
[14] officer?
[15] **A:** Yes. The license, it's on this
[16] moment, it's watch officer. It's not third mate
[17] or second mate. Watch officer.
[18] **Q:** Thank you. Thank you.
[19] Now, before you got the license, I
[20] want you to tell me a little bit about your
[21] schooling. You don't have to go into great
[22] detail.
[23] You went to grammar school and what
[24] other schooling?
[25] **A:** Five years. My time now Maritime

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[1] **A. Calimanescu**
[2] Academy.
[3] **Q:** What five years?
[4] **A:** Of school.
[5] **Q:** Yes, 19 what?
[6] **A:** '91 to '96.
[7] **Q:** Okay.
[8] And have you had any more schooling
[9] or training since 1996?
[10] **A:** I take courses on the — under the
[11] National Maritime Authority. I take courses to
[12] extend the license and the seaman book.
[13] **Q:** All right.
[14] When was your first ship?
[15] **A:** First ship in 1996.
[16] **Q:** And what was your rating? Third
[17] officer?
[18] **A:** Third officer.
[19] **Q:** What was the name of the ship?
[20] **A:** SAMMARINA II.
[21] **Q:** What kind of ship?
[22] **A:** Cargo ship. Bulk carrier.
[23] **MR. HEALEY:** Is his sea record
[24] in there?
[25] **MR. WIEGEL:** Yes. Yes.

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[1] **A. Calimanescu**
[2] **MR. HEALEY:** Although it's
[3] primarily in —
[4] **MR. WIEGEL:** Another language?
[5] The names of the ships will be easily
[6] identified, but just, you know, the
[7] rest of it is — most of it's in
[8] Rumanian. You can identify the ships
[9] from it.
[10] The last two or three pages.
[11] (Discussion off the record.)
[12] **Q:** I want you to tell me about your sea
[13] history, and this will help me follow. Let's do
[14] it this way.
[15] Is this two pages —
[16] **MR. WIEGEL:** Two-page
[17] document, yes.
[18] **Q:** I'm showing you — I want you to
[19] look at that and tell me if that's an accurate
[20] record of all your ships?
[21] **A:** Yes.
[22] **Q:** I mean, that's your whole sea
[23] history on there?
[24] **A:** Yes.
[25] **MR. HEALEY:** Now we better

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[1] **A. Calimanescu**
[2] mark that.
[3] **MR. WIEGEL:** Well you started,
[4] by your choice, you did Kowalewski and
[5] No. 1 so probably do Calimanescu
[6] No. 1.
[7] (Whereupon, Document issued by
[8] Authoritatea Navală, the Rumanian
[9] Naval Authority, was marked as
[10] Calimanescu Exhibit 1 for
[11] identification, as of this date.)
[12] **Q:** Is this something that the Rumanian
[13] Maritime Authority has issued?
[14] **A:** Yes.
[15] **Q:** I see it says "Authoritatea Navală."
[16] That means the Rumanian Naval Authority; is that
[17] right?
[18] **A:** Yes.
[19] **Q:** This is accurate, all the ships —
[20] **A:** Yes, ship's registry.
[21] **Q:** And now, what kind of ship was the
[22] NORASIA ALYA?
[23] **A:** Container vessel.
[24] **Q:** All right.
[25] And when was the first time that you

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[1] **A. Calimanescu**
[2] sailed as an officer on a container vessel?
[3] **A:** In 2002.
[4] **Q:** Is that this the name COLUMBUS
[5] CHILE?
[6] **A:** COLUMBUS, yes.
[7] **Q:** And did you continue to serve on
[8] container vessels after that?
[9] **A:** Still am.
[10] **Q:** Again, I'm still looking at Rumanian
[11] document which we marked as No. 1. You can simply
[12] explain.
[13] I can see the name of the vessel.
[14] It says what I believe would be your function on
[15] board; is that what that means in English?
[16] **A:** Yes.
[17] Which number?
[18] **Q:** And you're going to have to just
[19] tell me, I assume this is Rumanian, "Ofiter De
[20] Punte Maritim."
[21] What does that mean in English?
[22] **A:** Deck officer.
[23] **Q:** Okay. All right.
[24] And still looking at this exhibit
[25] No. 1, we do list your service on the NORASIA

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[1] **A. Calimanescu**
[2] **Q:** And these other vessels after the
[3] NORASIA ALYA, the CSAV RIO TRANCURA, you have the
[4] ANTILLANCA, ARIANA.
[5] Are those Peter Doeble ships?
[6] **A:** Yes.
[7] **Q:** You're still working for Peter?
[8] **A:** Yes.
[9] **Q:** So you're steady with that company?
[10] **A:** Yes.
[11] **Q:** I can't get this one. PETROHUE?
[12] **A:** Yes. PETROHUE.
[13] **Q:** Okay.
[14] And as you said, you were also the
[15] deck officer on all those vessels?
[16] **A:** Yes.
[17] **Q:** That's a watch standing —
[18] **A:** Watch standing, yes.
[19] **Q:** — position?
[20] **A:** Yes. Watch officer.
[21] **Q:** I'm going to be referring to the
[22] NORASIA ALYA logbook, so we'll wait and give you a
[23] copy to look at.
[24] **MR. WIEGEL:** Which one?
[25] **MR. HEALEY:** May 22nd, 2004.

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[1] **A. Calimanescu**
[2] ALYA, right?
[3] **A:** Yes.
[4] **Q:** So you made — I'm looking. There
[5] was the one time on board from looks like
[6] February 17th, 2004 until what is that
[7] September 25th, 2004?
[8] **A:** Yes.
[9] **Q:** That was your whole time on board
[10] the NORASIA ALYA?
[11] **A:** Yes.
[12] **Q:** Who was the master?
[13] **A:** Captain Kowalewski.
[14] **Q:** Had you sailed with him at any other
[15] time before this?
[16] **A:** COLUMBUS CHILE.
[17] **Q:** And did you ever sail with the
[18] captain after the NORASIA ALYA?
[19] **A:** Yes, on CSAV RIO TRANCURA.
[20] **Q:** Okay.
[21] And now you said the CSAV RIO
[22] TRANCURA I see that.
[23] Who was the company that you — who
[24] owned the NORASIA ALYA?
[25] **A:** Peter Doeble.

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[1] **A. Calimanescu**
[2] **MR. WIEGEL:** Just so the
[3] record is clear, that particular entry
[4] is located in Logbook No. II, which
[5] was previously marked as Kowalewski
[6] Exhibit No. 2, and we have the
[7] original logbooks here available.
[8] **MR. HEALEY:** That's right.
[9] But we know the copies are accurate.
[10] We can work —
[11] **MR. WIEGEL:** Just in case he
[12] can't read the reduced one.
[13] **MR. HEALEY:** All right.
[14] **Q:** Now leave it there, but before we —
[15] now this — this May 22nd, 2004 segment of the
[16] voyage, that started in Hamburg, right?
[17] **A:** Yes.
[18] **Q:** And you were heading for Port
[19] Elizabeth in New York; is that correct?
[20] **A:** Yes.
[21] **Q:** Before sailing, before the vessel
[22] left Hamburg, did you, see, at all make an
[23] inspection of the outside of the vessel, the hull,
[24] walk around the ship?
[25] **A:** No.

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[1] **A. Calimanescu**
 [2] Q: Do you know if anybody did?
 [3] A: I don't know.
 [4] Q: All right. All right.
 [5] In leaving Hamburg, were there tugs
 [6] used? Do you know? I mean, if you have a
 [7] recollection, tell me; if you don't, let's not
 [8] guess.
 [9] A: I don't know.
 [10] Q: Okay. All right.
 [11] Now, the vessel — and you can now
 [12] refer in the logbook, arrived — you checked at
 [13] Port Elizabeth on the 23rd of May, 2004; is that
 [14] correct?
 [15] A: Yes.
 [16] Q: All right.
 [17] And are you aware, see, of an
 [18] investigation being conducted aboard the vessel on
 [19] that date? US Coast Guard?
 [20] A: Yes.
 [21] Q: Coast Guard people came aboard; is
 [22] that correct?
 [23] A: Correct.
 [24] Q: All right.
 [25] Did they speak to you, the Coast

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[1] **A. Calimanescu**
 [2] Q: All right. All right.
 [3] Now, do you know, did you see during
 [4] this investigation the Coast Guard and some other
 [5] people in the ship, including the captain, went in
 [6] a boat around the vessel?
 [7] A: No. I see the Coast Guard boat only
 [8] around the...
 [9] Q: All right. All right.
 [10] One of these small Coast Guard
 [11] boats; is that what you're talking about?
 [12] A: Yes. I saw on the pier going
 [13] forward.
 [14] Q: All right. I don't have a
 [15] picture — do you — did you observe — never mind
 [16] the boat now. Did you observe the condition of
 [17] the hull of the NORASIA ALYA at this time during
 [18] the investigation?
 [19] A: After everybody was going forward, I
 [20] go to look why is going forward. Everybody go
 [21] forward.
 [22] Q: Let me see what I'm looking at here,
 [23] it may make it hopefully clearer.
 [24] Now these are pictures and this was
 [25] marked Kowalewski No. 1. We used these with the

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[1] **A. Calimanescu**
 [2] Guard people?
 [3] A: After talking with the captain.
 [4] Q: All right.
 [5] And no big talk with you, the Coast
 [6] Guard dealt with the captain is your recollection;
 [7] is that correct?
 [8] A: Yes.
 [9] Q: Now are you aware — were there
 [10] lawyers on board also, May 23rd at Port Elizabeth
 [11] as part of the investigation?
 [12] A: Yes.
 [13] Q: Can you name these lawyers? Did you
 [14] get their names, or is it entered any place?
 [15] A: It's Singleton.
 [16] Q: Did you speak to Mr. Singleton at
 [17] this time at Port Elizabeth?
 [18] A: After talking with the captain, all
 [19] the people, all the deck officers.
 [20] Q: We'll cut right through this,
 [21] Mr. Calimanescu. I want to know if whether or not
 [22] there was anything written down about — you know,
 [23] did you give a statement, did you give a writing
 [24] to Mr. Singleton?
 [25] A: I don't remember. I think, no.

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[1] **A. Calimanescu**
 [2] captain when we took his deposition.
 [3] First of all, take a look at that.
 [4] Do you see the picture?
 [5] A: Yes.
 [6] Q: Can you identify that?
 [7] A: Yes, hull.
 [8] Q: Is that the NORASIA ALYA, the big
 [9] ship there sitting there?
 [10] A: Can be.
 [11] Q: Do you know who's that in the
 [12] picture, the man with his back to you? If you
 [13] know; don't guess.
 [14] A: I don't know.
 [15] Q: Okay. Now, Kowalewski No. 2, take a
 [16] look at this. All right.
 [17] Can you identify that as the forward
 [18] section of the hull of the NORASIA ALYA?
 [19] A: Can be.
 [20] Q: Color's the same?
 [21] A: Color is the same.
 [22] Q: Look at that.
 [23] A: Yes.
 [24] Q: And No. 3, take a look at that,
 [25] Chief. Now do you see that one?

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[1] A: Yes.

[2] Q: Again, does that look like the front of the NORASIA ALYA?

[3] A: Color's the same.

[4] Q: Now here's the question: Do you see on that picture, I know the colors the same and all that, there seems to be kind of a — for lack of a better word —

[5] A: Pointing.

[6] Q: Yes, you got your finger on it.

[7] A: A scrapping.

[8] Q: A scraping, a scratch.

[9] Now, do you recall if the NORASIA ALYA had scratches on her hull like that at Port Elizabeth?

[10] A: I don't remember.

[11] Q: If you know, at Hamburg, did the NORASIA ALYA have scratches on the hull like shown on picture No. 3?

[12] A: I don't know.

[13] Q: You don't know. All right.

[14] At Port Elizabeth when you docked, the NORASIA ALYA has bow thrusters; doesn't it?

[15] A: Yes.

A. Calimanescu

[1] Q: Now, were you assigned to specific hours for your watch?

[2] A: Yes, 8 to 12.

[3] Q: And that would be what, I mean, just in the morning?

[4] A: In the morning, 8 to 12.

[5] Q: To noon?

[6] A: To noon, and 2000 to 2400.

[7] Q: Which is eight at night to midnight?

[8] A: Yes.

[9] Q: Now, during your watch, where would you be positioned?

[10] A: On the bridge.

[11] Q: Always on the bridge?

[12] A: Always on the bridge.

[13] Q: And your watch, 8 to 12, what was in it besides yourself? Were there other people regularly assigned?

[14] A: Helmsman.

[15] Q: A helmsman?

[16] A: Right.

[17] Q: He's a seaman?

[18] A: Seaman. AB. AB seaman.

[19] Q: So under normal functioning, from 800 to 800

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A. Calimanescu

[1] Q: At Port Elizabeth on the 23rd, were the bow thrusters used to come alongside?

[2] A: I don't remember.

[3] Q: Do you remember whether or not there were tugboats assisting the docking?

[4] A: I don't.

[5] Q: Go ahead, take a look at the logbook.

[6] Does that show us anything?

[7] A: If it's —

[8] Q: I understand that.

[9] A: But I see nothing. No writing.

[10] Q: Now, on the voyage from Hamburg to Port Elizabeth, see, are you aware of any incidents where the NORASIA ALYA struck something in the water?

[11] A: No.

[12] Q: Now, I want to get some idea of your general duties, not May 22nd, general duties on the NORASIA ALYA.

[13] As you said, under your license you were a watch officer. And that was your position on the NORASIA ALYA; was it not?

[14] A: Yes, correct.

A. Calimanescu

[1] to 1200 would be the watch officer and that's you?

[2] A: Yes.

[3] Q: And a helmsman?

[4] A: Yes.

[5] Q: And what's the helmsman regular job?

[6] A: Lookout.

[7] Q: Okay.

[8] On the voyage from Hamburg to New York — I don't know whether this is a good question — but did you run the whole time?

[9] A: Yes.

[10] Q: So what — when we say "the helmsman," he's not engaged actually in steering the vessel, correct?

[11] A: No.

[12] Q: You got her on automatic pilot?

[13] A: Automatic pilot.

[14] Q: And if an adjustment is made to the automatic pilot

[15] going to be to alter course —

[16] A: Yes.

[17] Q: — do you know how that is done?

[18] A: Yes.

[19] Q: Would you do that if it was required

[1] **A. Calimanescu**
[2] during your watch?
[3] A: Yes.
[4] Q: Tell me how that's done?
[5] A: Have automatic pilot, have the — in
[6] case of emergency, use the tiller, what have
[7] automatic knob, automatic knob.
[8] Q: I mean, we're talking and you're
[9] gesturing.
[10] A: Adjusting.
[11] Q: Something that you're showing that
[12] fits in your hand?
[13] A: Yes.
[14] Q: Small like?
[15] A: No, one wheel. Small knob. You
[16] turn to the left or the right.
[17] Q: So it can be done by hand, not
[18] talking about the great big wheel that we used to
[19] see?
[20] A: Right.
[21] Q: So to make the adjustment, you will
[22] handle that knob, that wheel, turn it.
[23] Now, how — is there a read out some
[24] place there in the area that's showing you your
[25] course?

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[1] **A. Calimanescu**
[2] A: Yes.
[3] Q: And that will show it in numbers,
[4] right?
[5] A: Yes.
[6] Q: Now, to alter course as we're
[7] talking about, the vessel remains on automatic
[8] pilot?
[9] A: Yes.
[10] Q: But with this device you've
[11] described to us, see, the watch officer, see, can
[12] just move this, and I assume you wait until the
[13] numbers comes up that you want you look at your
[14] screen?
[15] A: No.
[16] Q: How do you tell when you get to —
[17] A: The automatic pilot have two
[18] screens; one to set, and one to show the heading.
[19] You set a new course and automatic — the vessel
[20] is turning automatic to the new sailing on the new
[21] course.
[22] Q: That's all I'm trying to get: Is
[23] you have to — you're going to decide that you're
[24] going to alter course a few points, right?
[25] A: It's on the voyage planning.

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[1] **A. Calimanescu**
[2] Q: Oh, it's on the voyage planning?
[3] A: When need to alter, the course has
[4] the waypoint to alter the course to the new
[5] course, and this point we alter the course to the
[6] new setting.
[7] Q: That's done, the altering of the
[8] course, see, is done, as you've already explained,
[9] with this — just this wheel. Watch officer on
[10] deck does something?
[11] A: Yes.
[12] Q: All I'm saying is, you turn the
[13] wheel somewhat, right?
[14] A: Yes.
[15] Q: All I'm trying to say, is there
[16] something on the wheel or some kind of read out in
[17] front of you that you can see when you've gotten
[18] to the course you want?
[19] If you're on heading, just pick an
[20] easy one, on a heading of a hundred degrees —
[21] A: Yes.
[22] Q: — you want to go to a hundred
[23] ten —
[24] A: Yes.
[25] Q: — you're going to change the wheel?

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[1] **A. Calimanescu**
[2] A: Yes.
[3] Q: How do you know when you got to the
[4] hundred ten?
[5] A: The finger is coming to a hundred
[6] ten. You alter the course, the setting, the new
[7] course 110, and the rudder is moving and coming to
[8] the new course and the rudder is responding the
[9] midship.
[10] Q: And I'm just trying to say —
[11] A: It's indicated.
[12] Q: So you watch the indicator, you get
[13] where you want to go and then you just keep going?
[14] A: Yes.
[15] Q: And that ship will remain on that
[16] new course until you make another adjustment?
[17] A: Yes.
[18] Q: And as you've said, if I understand
[19] you correctly, this is all done by the watch
[20] officer, you don't have to have the helmsman
[21] involved or anything; is that right?
[22] A: For the lookout.
[23] Q: No, no, in altering the course.
[24] A: No.
[25] Q: You, the watch officer, by just

[1] A. Calimanescu
 [2] making the turn and seeing when you got on you'r
 [3] heading, you do that by yourself with this simple
 [4] maneuver?
 [5] A: Yes.
 [6] Q: Now, you mentioned the — he
 [7] helmsman, see, and you keep saying also he's the
 [8] lookout.
 [9] A: Lookout.
 [10] Q: Does he have any other functions?
 [11] A: Case of emergency, hand steering.
 [12] In emergency, hand steering.
 [13] Q: So he is the man, if you go to hand
 [14] steering —
 [15] A: Take the hand steering.
 [16] Q: You will not, the watch officer will
 [17] not take the hand steering, you got the helmsman
 [18] for that purpose?
 [19] A: For this purpose, yes.
 [20] Q: So we got during at least the 0800
 [21] to 1200 watch, normal make up on the bridge on
 [22] this ship would be you, third officer —
 [23] A: Yes.
 [24] Q: — and an AB.
 [25] Who was the AB; do you remember?

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[1] A. Calimanescu
 [2] Q: I mean by coordinates it's marked?
 [3] A: It's marked.
 [4] Q: So that a vessel sailing by checking
 [5] the coordinates you stay in the inbound lane when
 [6] you're heading for Ambrose, right?
 [7] A: Yes.
 [8] Q: When you say it's a safety fairway,
 [9] all inbound traffic is in one lane, correct?
 [10] A: In and out the other lane.
 [11] Q: All right. But what I'm saying,
 [12] there is a lane for inbound and there's another
 [13] lane for outbound?
 [14] A: Outbound.
 [15] Q: You don't have one lane with ships
 [16] just going around —
 [17] A: No.
 [18] Q: — all the same way?
 [19] Now, normally, is there any
 [20] requirement for a vessel to use the safety fairway
 [21] coming into New York?
 [22] A: I don't remember.
 [23] Q: I mean, Coast Guard regulation,
 [24] that's what I want to know first of all.
 [25] Do you know if there are any US

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Page 29

[1] A. Calimanescu
 [2] regulations —
 [3] A: Yes.
 [4] Q: — requiring a vessel under ordinary
 [5] circumstances — I'm not talking about emergency,
 [6] under ordinary circumstances — to use the safety
 [7] fairway to enter the port to go to Ambrose?
 [8] A: I don't know. Don't remember.
 [9] Q: All right.
 [10] Now, how many times before this were
 [11] you in the Port of New York?
 [12] A: For one time.
 [13] Q: Just one time.
 [14] Were you familiar at all with the
 [15] volume of traffic? You know, how many ships use
 [16] these fairways into New York?
 [17] A: No.
 [18] Q: Were you familiar with whether or
 [19] not there were any fishing grounds alongside of
 [20] the fairway at certain spots? I'm not saying all
 [21] the way, I'm saying at certain spots would you
 [22] pass through fishing grounds?
 [23] A: No.
 [24] Q: No, or you don't know?
 [25] A: I don't know.

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[1] A. Calimanescu
 [2] A: Same guy all the time. Monthly it's
 [3] changed.
 [4] Q: It changes?
 [5] A: Monthly.
 [6] Q: But 0800 — 0800 to 1200 you were
 [7] always the watch officer?
 [8] A: Correct.
 [9] Q: And you have an AB up there but he
 [10] could be a different fellow?
 [11] A: Yes.
 [12] Q: Now from — let me ask you this:
 [13] You're heading into New York, had
 [14] you been been in New York, the Port of New York
 [15] before this?
 [16] A: Yes.
 [17] Q: And you can check the logbook if you
 [18] need. On the 22nd of May, all right, say from
 [19] about — we'll just pick when you came on — at
 [20] 0800 was the vessel in a safety free way —
 [21] fairway?
 [22] A: Yes.
 [23] Q: What is that safety fairway?
 [24] A: It's a traffic separation special to
 [25] reach Ambrose light house.

THE M/V NORASIA

FINK

Min-U-Script®

[1] A. Calimanescu
 [2] Q: I have here, I'm not going to go through it, just kind of give you what I'm talking about, a book that Mr. Gargan gave me, because I didn't know what I was talking about, he said there's a book called "The Coast Pilot," he showed me. I'm just showing it to you.

[3] Are you familiar with this kind of information book?

[4] A: Not of this, no.

[5] Q: Not this one, but I said are you familiar with this type of book that supplies

[6] mariners with —

[7] A: Yes, we have

[8] Q: — local information? like directions

[9] A: Yes, I do.

[10] Q: What book are you familiar with?

[11] A: Have on board a list of radio

[12] signals. I have all the books and the public —

[13] US publication.

[14] Q: Can you identify? Do you know, does that identify for you? Can you give me the name?

[15] Can you identify this publication, this book I

[16] guess we call it, that you had on the NORASIA ALYA

[17] that would give you local information? Page 32

[1] A. Calimanescu Page 33
 [2] A: By name, no

[3] Q: Sailing —

[4] A: Sailing direction. Pilot Book

[5] Sailing Direction.

[6] Q: Sailing Direction Pilot Book

[7] That's all I'm trying to get, generally speaking now.

[8] On the NORASIA ALYA, on this voyage

[9] then, there was some kind of Sailing Directions

[10] Pilot Book?

[11] A: Yes.

[12] Q: And there was a Sailing Directions

[13] Pilot Book for information about entering the Port of New York?

[14] A: Yes.

[15] Q: And was that kept on the bridge? Do

[16] you know? Where was it? Was it available?

[17] A: What?

[18] Q: Let me withdraw the question.

[19] We're talking about — we'll just

[20] call it the sailing directions book. Now, you

[21] told me there was one on the NORASIA ALYA.

[22] Was it available to the —

[23] A: Yes.

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logbook, is two pages long.

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[24] Q: What is logbook? A. Calimanescu

[25] Q: What for the watch officer?

[26] Q: Yes.

[27] Q: Do you personally now, at any time,

[28] Q: On the voyage from Hamburg, look at the

[29] sailing logbook for information as to

[30] what conditions abiding the Port of New York?

[31] Q: Yes, I can find it, I can find it.

[32] Q: Did you see anything in there? What

[33] I'm trying to get is fishing. Did you see any

[34] information in there about areas where fishing

[35] was done, just look at the logbook.

[36] vessels could be found?

[37] Q: I don't remember.

[38] Q: You don't remember.

[39] Q: Did anybody tell you — let me

[40] withdraw that.

[41] Q: Did the captain ever tell you

[42] specifically that at certain points you would be

[43] going through fishing areas.

[44] Q: Did the captain tell you specific

[45] Did the captain ever tell you?

[46] Q: Yes.

[47] Q: He did tell you that?

[48] A: That's true in abiding the logbook you might be

[49] A: Yes.

[50] Q: That's all I'm asking about.

[51] So as far as you know, the captain

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[52] So as far as you know, the captain

Page 35

[53] Q: Is that what the captain told you?

[54] A. Calimanescu

[55] was aware that in approaching Ambrose you might be

[56] going past fishing areas?

[57] Q: Yes.

[58] Q: Did he give you any specific

[59] instructions as to what you should do when you

[60] were in the safety fairway near fishing areas?

[61] A: The captain came on

[62] entrance of the safety fairway.

[63] Q: All right.

[64] Now, as — now, I'm still jumping

[65] around about general stuff now so...

[66] The logbook that you and I are now

[67] looking at together, if you look at — and this is

[68] just the — I want you to tell me the general

[69] procedure for keeping the logbook, and we can look

[70] at the May 23rd date, if I can find it. That's at

[71] the beginning; isn't it?

[72] MR. WIEGEL: The May 23rd is

[73] daily pages starting with page 4.

[74] MR. HEALEY: All right.

[75] Q: Are you with me?

[76] A: Yes.

[77] Q: What I'm looking at is the deck

[78] logbook, and it normally is two pages. And I've

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(1) **A. Calmanescu**
 (2) got the one that has the date Saturday 22 May,
 (3) 2004.
 (4) Are you with me?
 (5) A: Yes.
 (6) Q: Now again, just generally speaking,
 (7) see, there is — oh, here — on what is numbered
 (8) page 3, there is a section, as I check the time,
 (9) that covers 0800 to noon.
 (10) A: 800, yes.
 (11) Q: That would be when you were on?
 (12) A: Yes.
 (13) Q: Okay.
 (14) Now, there was some entries in
 (15) there. Who made those entries on the 0800 to 12?
 (16) A: Me.
 (17) Q: You.
 (18) Now, is that the normal practice —
 (19) A: Yes.
 (20) Q: — that the watch officer would make
 (21) the entries for events during his duty time?
 (22) A: Only the watch officer.
 (23) Q: Only the watch officer.
 (24) Q: Now, you told me again generally, so
 (25) don't look at page 22 at this time.

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(1) **A. Calmanescu**
 (2) MR. WIEGEL: Object to form.
 (3) Q: At times there are entries in your
 (4) logbook as to where lookouts are posted; are you
 (5) aware of that?
 (6) If you don't understand, tell me.
 (7) MR. WIEGEL: Object to the
 (8) form.
 (9) Which question would you like
 (10) him to answer? There's two questions.
 (11) You asked him — he hasn't given an
 (12) answer to either one.
 (13) MR. HEALEY: Maybe I should
 (14) withdraw them both and start again.
 (15) MR. WIEGEL: Okay.
 (16) Q: Go to the logbook for 16 June, and
 (17) again, I believe it's your watch 0800?
 (18) A: Yes.
 (19) Q: Those are your entries?
 (20) A: Yes.
 (21) Q: You have here "restricted
 (22) visibility," correct?
 (23) A: Yes.
 (24) Q: Master on the bridge?
 (25) A: Yes.

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(1) **A. Calmanescu**
 (2) But were there any standing orders,
 (3) captain's orders, ship's orders, as to certain
 (4) entries that should be made if the vessel is in
 (5) restricted visibility, fog? Should — was it to
 (6) be noted by the watch officer — first of all, the
 (7) visibility?
 (8) A: Visibility.
 (9) Q: And was it also required, see, if
 (10) the visibility dropped to a very low point?
 (11) A: Yes, 4 miles to call the captain.
 (12) Q: And I note in here, and was it also
 (13) required that the watch officer should log bad
 (14) visibility, and he should log master notified, all
 (15) right?
 (16) Those were standing orders?
 (17) A: Yes.
 (18) Q: And is it correct and I have — you
 (19) don't have to go on this, I'm just helping myself.
 (20) I note during area and times of bad
 (21) visibility that the watch officer would note the
 (22) lookout situation. There are entries made, see,
 (23) there is a lookout posted at the fo'c'sle.
 (24) MR. WIEGEL: Object to form.
 (25) MR. HEALEY: What?

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(1) **A. Calmanescu**
 (2) Q: You've already told me, see, your
 (3) regular standard practice for keeping the logbook
 (4) you were supposed to enter those things —
 (5) A: Yes.
 (6) Q: — and you did.
 (7) That's what you're supposed to do.
 (8) And you also have noted in here,
 (9) see, something about your fog signal automatic
 (10) set.
 (11) Do you see that?
 (12) A: Yes.
 (13) Q: Read it to me?
 (14) A: Yes. Sound fog signal on automatic
 (15) mode.
 (16) Q: All right. And all I'm getting at,
 (17) see, this was the standard practice for keeping
 (18) the log. That you're going to put your automatic
 (19) fog signal on. The watch officer would note it;
 (20) is that correct?
 (21) A: It's not in the standing order.
 (22) MR. WIEGEL: Object to the
 (23) form.
 (24) Go ahead, you can answer.
 (25) A: It's not in the standing order.

[1] **A. Calmanescu**
[2] Q: Was it the regular practice that
[3] you, keeping the logbook, see, to note if the
[4] automatic fog signal was activated?
[5] A: Can be normal.
[6] Q: Well, let's say your practice. If
[7] during your watch, see, bad visibility, master
[8] comes up, master tells you, activate the fog
[9] signal, right?
[10] A: Yes.
[11] Q: Was it your regular practice to
[12] enter that in the logbook?
[13] A: It is normal procedure in the
[14] restricted visibility, start the fog signal,
[15] inform the master and additional lookout. This is
[16] normal procedure.
[17] Q: All right, I understand.
[18] A: No need to write.
[19] Q: I think I understand you.
[20] What you're saying, your procedure
[21] in restricted visibility, your regular procedure,
[22] notify the master —
[23] A: Yes.
[24] Q: — activate the fog signal —
[25] A: Signal.

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[1] **A. Calmanescu**
[2] Q: — and post —
[3] A: Lookout.
[4] Q: — post appropriate lookout.
[5] A: Change the radar range. It's normal
[6] procedure.
[7] Q: I understand that in restricted
[8] visibility you tell me when it's normal procedure.
[9] And if you understand what I'm
[10] saying, and was it also normal procedure to note
[11] in the logbook that you had done these things?
[12] And we're looking still just, if you know what I'm
[13] talking about, 16 June entries?
[14] A: Yes.
[15] Q: In there, see Mr. Calmanescu, you
[16] have noted all those things. You've noted the
[17] master notified, right? You had noted that the
[18] fog signal is activated. You have noted that
[19] lookouts are posted. You've told me that's the —
[20] your normal procedure in restricted visibility to
[21] do those things. I understand you.
[22] Now, you understand what I'm saying,
[23] one more thing, and was it also normal procedure
[24] on the NORASIA ALYA to make entries in the logbook
[25] that you had done what you're supposed to do?

[1] **A. Calmanescu**
[2] A: It's not right to be compulsory to
[3] write it.
[4] Q: I understand that, I didn't say
[5] compulsion. I'm saying was it your normal
[6] procedure, I mean would you usually put it in the
[7] logbook that those things were done?
[8] A: Usually, yes.
[9] Q: Do you know whether other watch
[10] standers would follow the same — let me withdraw
[11] that.
[12] This procedure that you just told us
[13] about, notify the captain, fog horn, lookouts,
[14] see, that wasn't just you, that was the standing
[15] orders on the ship; wasn't it?
[16] A: Yes. This is —
[17] Q: Every watch officer was required to
[18] do the same thing?
[19] A: Yes.
[20] Q: So every watch officer would be
[21] required to tell the captain, right?
[22] A: Yes.
[23] Q: Automate the fog horn?
[24] A: Yes.
[25] Q: Get proper lookouts?

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[1] **A. Calmanescu**
[2] A: Yes.
[3] Q: See, and again I know it's not
[4] compulsory, but I'm saying do you know whether the
[5] other watch standers would also make, you know, as
[6] part of their regular practice, entries in the
[7] logbook that it was done?
[8] A: I don't know.
[9] Q: Okay. Okay.
[10] Now, we'll look again May 23rd. I'm
[11] going back to that date again.
[12] MR. WIEGEL: You said May 23?
[13] Did I hear you correctly.
[14] MR. HEALEY: Yes, you did and
[15] I was wrong. So go to May 22nd.
[16] MR. WIEGEL: May 22. Okay.
[17] Q: Now, again, on that date there's an
[18] entry in there at 0430 concerning second officer
[19] Jankowski. Do you see that? 0430?
[20] A: Yes.
[21] Q: See what I'm getting, that's 0430,
[22] that's not your watch.
[23] A: No.
[24] Q: Were you on the bridge at all during
[25] this incident?

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Page 44

[1] **A. Calmanescu**
 [2] A: I was not on the bridge.
 [3] Q: Okay.
 [4] There's an 0430 entry that says,
 [5] "Second officer Jankowski during the watch was
 [6] facing restricted visibility," et cetera, et
 [7] cetera.
 [8] Who put that entry in there; do you
 [9] know?
 [10] A: Captain.
 [11] Q: Okay. That's the captain's entry.
 [12] And you came on at 0800?
 [13] A: Yes.
 [14] Q: With a helmsman?
 [15] A: I was on the bridge. Was on the
 [16] bridge helmsman.
 [17] Q: You came with the helmsman?
 [18] A: Yes.
 [19] Q: Now, when you came on the bridge at
 [20] 0800, see, was the captain there?
 [21] A: Yes.
 [22] Q: Was the helmsman —
 [23] A: Yes.
 [24] Q: — discharged at some point while
 [25] the captain was there?

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[1] **A. Calmanescu**
 [2] Okay, now in column 21, see, from
 [3] the midnight to four, there's a name there. It
 [4] says it looks like AB —
 [5] A: Fellas.
 [6] MR. WIEGEL: F-E-L-I-A-S.
 [7] Q: He was the lookout.
 [8] You see also the helmsman during
 [9] that watch, midnight to four in the morning?
 [10] A: Helmsman.
 [11] Q: That's what I said. He was —
 [12] A: Helmsman.
 [13] Q: He was the helmsman and the lookout.
 [14] Now, I see then again now under
 [15] column 21, in fact, it spreads over into column 22
 [16] there's another name for a lookout, it says "DC,"
 [17] is that deck cadet?
 [18] A: Yes.
 [19] Q: And that's that German name?
 [20] MR. WIEGEL: I'll spell it,
 [21] V-O-E-L-C-H-N-E-R.
 [22] Q: So he is listed in there as the
 [23] watch officer and that's from 4 to 8. He writes
 [24] in the lookout.
 [25] Who is that watch officer; do you

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[1] **A. Calmanescu**
 [2] A: Captain?
 [3] Q: Captain Kowalewski's testimony, as
 [4] best I recall, we can check it, was that from 0800
 [5] on there were only two people on the bridge, see,
 [6] the watch officer and himself.
 [7] Is that your recollection that from
 [8] 0800 to 1200 the helmsman had been discharged and
 [9] it was just you and the captain?
 [10] A: I don't remember.
 [11] Q: Okay.
 [12] Again, looking at May 22nd, see,
 [13] there are — there's a heading, see?
 [14] A: Yes.
 [15] Q: Printed in the logbook says
 [16] "Lookout". Do you see it?
 [17] A: Lookout, yes.
 [18] MR. WIEGEL: For the record,
 [19] Mr. Healey is referring to column 21
 [20] in the logbook that says "Lookout" so
 [21] it's clear.
 [22] MR. HEALEY: Yeah, you're
 [23] right. I couldn't read that number,
 [24] frankly, until you told me about it.
 [25] Q: Column 21 says "Lookout".

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[1] **A. Calmanescu**
 [2] know?
 [3] A: Chief mate.
 [4] Q: And the next — and the next bit of
 [5] entries here are your watch?
 [6] A: Yes.
 [7] Q: No lookout is listed?
 [8] A: That means no lookout.
 [9] Q: So there wasn't any lookout assigned
 [10] at this point.
 [11] A: Yes, correct.
 [12] Q: Now, what I'm asking, if you don't
 [13] remember, I don't want you to guess.
 [14] After we've gone all over this, is
 [15] it — do you remember that the only two people on
 [16] the bridge from 0800 to noon, 1200, were you, the
 [17] watch officer, and Captain Kowalewski?
 [18] A: I don't remember.
 [19] Q: You don't remember.
 [20] Now, the captain logged second
 [21] officer Jankowski for failing to call him to the
 [22] bridge, correct?
 [23] A: Correct.
 [24] Q: The general procedure on this
 [25] NORASIA ALYA when you got into bad visibility you

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[1] **A. Calimanescu**
[2] had to call the captain?
[3] A: Correct.
[4] Q: And the reason was because bad
[5] visibility can create certain dangers?
[6] A: Correct.
[7] Q: And you need the captain there, see,
[8] to tell you what to do in a dangerous situation,
[9] correct?
[10] A: Correct.
[11] Q: And when you came up on your watch
[12] at 0800, see, and it's noted in here, there was
[13] still a dangerous situation, correct?
[14] A: Correct.
[15] Q: The visibility was, and I have
[16] trouble reading the numbers, but it just says
[17] "restricted visibility." You take a look.
[18] Did you ever estimate how far the
[19] visibility was?
[20] A: Less 0.1 nautical miles.
[21] Q: 0.1. And that is very restricted
[22] visibility; isn't it?
[23] A: Of course.
[24] Q: And proceeding through visibility,
[25] If you don't know now, listen, I'm not asking you

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[1] **A. Calimanescu**
[2] of all, did the captain while he was there do
[3] anything to alter the speed of the NORASIA ALYA?
[4] A: Not with a reason.
[5] Q: Well, did he or did he not? Did he
[6] go faster or did you slow down?
[7] A: Not alteration. Maintain the speed.
[8] Q: Just kept going at 22 knots?
[9] A: Yes.
[10] Q: That's all I'm asking.
[11] So you understand, I'm not asking
[12] you to tell me why or what, we're just trying to
[13] find out the simple facts.
[14] A: Yes.
[15] Q: You came on at 0800, the vessel's
[16] going 22 knots?
[17] A: Correct.
[18] Q: For four hours it kept going at
[19] 22 knots?
[20] A: Correct.
[21] Q: All right. I'm not asking you to
[22] second guess the captain, all I'm trying to say is
[23] for your entire watch the vessel continued at
[24] 22 knots?
[25] A: Correct.

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[1] **A. Calimanescu**
[2] to guess, but as a mariner with a license, you
[3] sail, proceeding in that kind of visibility
[4] creates certain dangers that have to be taken
[5] care of; don't they?
[6] A: Correct.
[7] Q: When the captain came up, what was
[8] the speed of the vessel, the NORASIA ALYA?
[9] MR. WIEGEL: Object to form.
[10] MR. HEALEY: Let me correct
[11] it.
[12] MR. WIEGEL: He wasn't on the
[13] bridge.
[14] Go off the record.
[15] MR. HEALEY: Fair enough.
[16] (Discussion off the record.)
[17] BY MR. HEALEY:
[18] Q: At 0800 when you came on your watch,
[19] see, what was the speed of the NORASIA ALYA?
[20] A: According to the IS, 22 knots.
[21] Q: And — what is generally the top
[22] speed of the NORASIA ALYA?
[23] A: Twenty-four knots.
[24] Q: All right.
[25] And did the captain issue — first

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[1] **A. Calimanescu**
[2] Q: During your entire watch, 0800 to
[3] noon, see, the visibility remained restricted
[4] almost one point whatever you had here?
[5] MR. GARGAN: .1 nautical
[6] miles.
[7] Q: .1 nautical miles; is that correct?
[8] A: Correct.
[9] Q: Is there any entry in your logbook,
[10] your watch 0800 to noon, that the automatic fog
[11] signal was activated?
[12] A: When I come on bridge, it was
[13] already activated.
[14] Q: Is there any entry any where in the
[15] log for 22 May, see, that it —
[16] A: No.
[17] Q: — the automatic fog signal had been
[18] activated?
[19] A: No.
[20] Q: Was the automatic — listen, was the
[21] automatic fog signal just constantly going?
[22] When the vessel is sailing normally
[23] and you're not in restricted weather, this fog
[24] signal, you don't activate it; do you?
[25] A: We activate it on the restricted

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(1) **A. Callmanescu**
 (2) visibility.
 (3) Q: And aside from yourself and the
 (4) captain then, nobody had been assigned 8 to 12, by
 (5) either yourself or the master to act as a lookout
 (6) throughout on the bridge wing; is that correct?
 (7) MR. WIEGEL: Asked and
 (8) answered.
 (9) A: Bridge?
 (10) Q: Let me withdraw it.
 (11) Was there a lookout during your
 (12) watch, 0800 to noon on the 22nd of May, posted up
 (13) in the fo'c'sle?
 (14) A: I don't remember.
 (15) Q: Look through your logbook and see if
 (16) there's anything.
 (17) A: No.
 (18) Q: There's no indication?
 (19) A: No.
 (20) Q: Now, was there access to radar on
 (21) the bridge?
 (22) A: Yes.
 (23) Q: During your watch, the morning
 (24) watch, 8 to 12, was anybody monitoring the NORASIA
 (25) ALYA's radar?

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(1) **A. Callmanescu**
 (2) Q: At some — your 8 to 12, during that
 (3) period of time, there was no change of course; was
 (4) that correct?
 (5) A: There was one change to 22 degrees.
 (6) Was in the traffic — in the traffic separation
 (7) only two degrees, 270 to 268.
 (8) Q: You have it on there?
 (9) A: Yes.
 (10) Q: What time was that change made?
 (11) A: 0843.
 (12) Q: All right.
 (13) And what was the reason for that?
 (14) A: This is was on the voyage planning.
 (15) Q: It was on the voyage planning?
 (16) A: On the voyage planning, yes.
 (17) Q: Now at noon, your — you finished
 (18) your morning watch; is that correct?
 (19) A: Correct.
 (20) Q: And you were relieved?
 (21) A: Yes.
 (22) Q: All right. Who took over as watch
 (23) officer?
 (24) A: Second officer.
 (25) Q: Second officer. Okay.

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(1) **A. Callmanescu**
 (2) A: Captain one, me one.
 (3) Q: There were two sets you're telling
 (4) me?
 (5) A: Two radar.
 (6) Q: Two radar.
 (7) And you say you monitored one and
 (8) the captain monitored one. Okay.
 (9) Tell me your procedure, your
 (10) procedure in monitoring; what would you do to
 (11) monitor your set?
 (12) MR. WIEGEL: You mean the
 (13) radar?
 (14) MR. HEALEY: Yes.
 (15) MR. WIEGEL: Okay.
 (16) A: Okay. Change the — change the
 (17) range to 30-mile to check if it's something on the
 (18) 12 miles in front of us, and after that you reduce
 (19) it from 3 to 6 miles to see closer to us.
 (20) Plotting the vessels around us, the target, which
 (21) is around the vessel, not behind.
 (22) And all the time discussing with the
 (23) captain the situation which I have on the radar
 (24) and compare with his radar. He's monitoring his
 (25) radar, I'm monitoring mine.

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(1) **A. Callmanescu**
 (2) And you left the bridge?
 (3) A: Yes, I go home.
 (4) Q: That's what I was trying to find
 (5) out.
 (6) At some point you left the bridge?
 (7) A: It was time to go off the bridge,
 (8) take over, I go down.
 (9) Q: All right. All right.
 (10) When the second officer came over to
 (11) take over, the captain is still on the bridge?
 (12) A: Yes.
 (13) Q: Anybody else then except at the time
 (14) of the change of the watch, you the second officer
 (15) and the master; anybody else?
 (16) A: I don't remember.
 (17) Q: All right.
 (18) What did you do then from after
 (19) being relieved?
 (20) A: I go down to lunch, change, and
 (21) lunch, and starting some normal procedures.
 (22) Q: All right. So you go to lunch.
 (23) Now, is that the regular meal time?
 (24) A: Yes.
 (25) Q: From 1130 to?

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[1] **A. Callmanescu**
 [2] A: To 1:00.
 [3] Q: When you went to lunch, all right,
 [4] you had a regular officer's mess hall there?
 [5] A: Yes.
 [6] Q: Who else was there when you had
 [7] lunch; do you know?
 [8] A: The officers.
 [9] Q: All the officers?
 [10] A: I don't remember.
 [11] MR. WIEGEL: Object to form.
 [12] MR. HEALEY: I'm not going to
 [13] leave it hanging.
 [14] Q: All the officers?
 [15] A: I don't — which officers.
 [16] Q: That's all.
 [17] Because I wanted to know, see, look,
 [18] you're down there, there were other officers down
 [19] there —
 [20] A: Yes.
 [21] Q: — and are you able to tell me the
 [22] names of the others?
 [23] A: I don't remember how many.
 [24] Q: Now, let me jump back a minute.
 [25] During your watch, you know, 8 to

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[1] **A. Callmanescu**
 [2] procedure?
 [3] A: Chief mate have the schedule for the
 [4] guy where he's working and what he's working.
 [5] Q: All right.
 [6] And you see the — the claim that
 [7] we're making is that something occurred during the
 [8] watch after yours, okay? And I just want to know,
 [9] that's why I'm asking you, where you were and what
 [10] you were doing, see, after noon.
 [11] A: Yes.
 [12] Q: And you told me you went and you had
 [13] your lunch, your meal, right?
 [14] A: Yes.
 [15] Q: Were you on the deck — that's what
 [16] I'm trying to find out. Were you on the deck
 [17] during this period of time? Let's just make it
 [18] short. From noon 'til 3, can you tell me where
 [19] you were and what you were doing on the 22nd of
 [20] May?
 [21] A: I cannot. Exactly. I cannot
 [22] exactly.
 [23] Q: All right.
 [24] Do you remember where you were?
 [25] A: 'Til 1:00 I was in my cabin.

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[1] **A. Callmanescu**
 [2] noon, were the deck department, anybody from the
 [3] deck department, seaman, working on the deck?
 [4] A: Yes. On the deck. The main deck.
 [5] Q: On the open deck, the main deck.
 [6] A: Yes.
 [7] Q: Who?
 [8] A: All the deck crew.
 [9] Q: How many? You had a bosun out with
 [10] them?
 [11] A: Bosun and all the deck crew, six.
 [12] Q: Six guys.
 [13] What were they doing?
 [14] A: Probably on all. All the people.
 [15] Q: You do know the bosun and some of
 [16] the deck crew were working on the deck in front of
 [17] the bridge.
 [18] A: The bridge is on the fifth floor.
 [19] Q: No, no, I'm saying they were on the
 [20] main deck forward of you.
 [21] A: I don't know. Normal procedure,
 [22] 6:00 is going to work on the deck.
 [23] Q: Okay. All right. All right.
 [24] So you don't have any specific
 [25] recollection, you're telling me what is the normal

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[1] **A. Callmanescu**
 [2] Q: Okay. Okay.
 [3] A: After 1:00, I was going to make some
 [4] safety inspection or preparing for the audit, this
 [5] time some audit.
 [6] Q: Is it fair to say from about noon
 [7] when your watch was over 'til about 1 —
 [8] A: All the time —
 [9] Q: — you had your meal and then you
 [10] went to your cabin?
 [11] A: Yes.
 [12] Q: And after that you said you would —
 [13] about some other duties, the safety inspection?
 [14] A: Yes.
 [15] Q: Now, at any time on the 22nd of May,
 [16] see, did you get any information or hear anything
 [17] about an urgent Coast Guard message being received
 [18] by the NORASIA ALYA?
 [19] A: I don't remember on 22nd what
 [20] urgency message I saw.
 [21] Q: Are you aware of the fact that —
 [22] A: In the night. But in the night.
 [23] Q: Okay. I'm not clear. Let me
 [24] suggest this to you:
 [25] That Captain Kowalewski has

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11 A. *Calmanescu*
12 testified that at some point in the afternoon —
13 I'm not going to guess the time — he did receive
14 an urgent message from the Coast Guard concerning
15 their receipt of an EPIRB. You know what an EPIRB
16 is; don't you?
17 A: Yes.
18 Q: Did you learn anything about the
19 receipt of that urgent message on the afternoon of
20 May 22nd?
21 A: No, I was free.
22 Q: At any point on the 22nd of May,
23 this is after noon, did you learn anything at all,
24 did anybody speak to you at all —
25 A: No.
26 Q: — about the — let me finish now —
27 about this urgent Coast Guard message concerning
28 an EPIRB?
29 A: No.
30 Q: At some point, see, did you learn
31 anything that the vessel had received this Coast
32 Guard message?
33 A: We received one AGC message —
34 Q: That's —
35 A: — on the Sat C.

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11 A. *Calmanescu*
12 Q: And on board the NORASIA ALYA at
13 this time, is a record made of all messages
14 received by the vessel, by Sat C, or even by UHF
15 radio, is a record made?
16 A: Second mate job.
17 Q: Okay.
18 A: All the message have to be recorded.
19 Q: I see. That's the second mate's
20 job.
21 So if he receives a radio message,
22 such as an urgent Coast Guard message it's his
23 job — what is his job, to write it down?
24 A: Radio logbook. Have the radio
25 logbook.
26 Q: Radio logbook. All right.
27 So did you ever look any time at the
28 NORASIA ALYA's radio logbook to see whether the —
29 an urgent message from the Coast Guard was entered
30 in there?
31 A: Sometime. Yes.
32 Q: All right.
33 So in the NORASIA ALYA's radio
34 logbook — be clear, I don't want to confuse
35 you — are you telling us that you did see the

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11 A. *Calmanescu*
12 Q: This is the next day?
13 A: I don't — sometime in the night. I
14 don't remember.
15 Q: Sometime in the night.
16 A: Yes.
17 Q: Now, say that again for me, what
18 kind of message?
19 A: AGC on the Sat C.
20 MR. WIEGEL: I'll clarify.
21 AGC, alpha, golf, Charlie, on the sat
22 S-A-T letter C.
23 A: From the telex and the —
24 Q: Sat C we'll call it.
25 This message you say sometime in the
night; is that correct?
26 A: Yes. Darkness. Night.
27 Q: Do you know whether it was still on
28 the 22nd, the night of the 22nd, if you know?
29 A: I don't know.
30 Q: Did you actually see — well, let me
31 withdraw that.
32 Was this message copied down? Was
33 it in some form that it could be read?
34 A: Correct. Correct.

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11 A. *Calmanescu*
12 second officer had noted —
13 A: No.
14 Q: Okay. You're saying that's the
15 normal procedure?
16 A: Normal.
17 Q: Do I understand — but you didn't go
18 check?
19 A: No. His job.
20 Q: You're just telling me, right, about
21 normal procedure. All right.
22 And the same goes for the Sat C —
23 A: Sat C.
24 Q: — that would be recorded some
25 place?
26 A: And filed.
27 Q: Is that the second officer's job?
28 A: Yes.
29 Q: In the file, I'm trying to find out
30 if we wanted to look for these, where do we look?
31 What kind of file are we talking about? Vessel
32 file?
33 A: The AGC — AGC file. It's some
34 file. I don't know the name.
35 Q: But it's —

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(1) **A. Callmanescu**
 (2) A: It's collected all the AGC messages
 (3) we receive.
 (4) Q: That file is part of ship's regular
 (5) documents?
 (6) A: Yes.
 (7) Q: I'm going back to about the second
 (8) mate's responsibility. You just told me, and I
 (9) asked him.
 (10) If the second mate, see, is not on
 (11) duty, who keeps or does he always have to keep the
 (12) record?
 (13) A: He always must keep the record.
 (14) Q: He always —
 (15) A: We are writing on the paper if it's
 (16) received by VHF or UHF radio, all the radio
 (17) communications, writing who sent, time, who send
 (18) and the message.
 (19) Q: That's fine. Can you tell me
 (20) that — that's the normal procedure?
 (21) A: Yes.
 (22) Q: So a record is made, as you're
 (23) indicating, something is written down?
 (24) A: Yes.
 (25) Q: And that is kept in the vessel's

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(1) **A. Callmanescu**
 (2) the wings; is that correct?
 (3) A: Door was open. Door for the...
 (4) Q: You know, I didn't ask you if the
 (5) doors open or windows open. I'm just trying to
 (6) get where you guys are situated.
 (7) Most of the time you were inside the
 (8) bridge?
 (9) A: Of course.
 (10) Q: Now what you said to me is the doors
 (11) are open.
 (12) A: Yes.
 (13) Q: I didn't ask you. Why are you
 (14) telling me the doors are open?
 (15) A: Because usually I go to smoke and I
 (16) keep the door open and to — on the restricted
 (17) visibility to hear the other fog signal.
 (18) Q: All right. All right.
 (19) So under these restricted visibility
 (20) circumstances, am I correct that in your
 (21) experience, your practice, it's important to have
 (22) somebody around to try to listen?
 (23) A: Correct.
 (24) Q: All right. And the only guys on the
 (25) bridge are you and Captain Kowalewski, right?

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(1) **A. Callmanescu**
 (2) regular file?
 (3) A: Ship's file.
 (4) Q: Ship's file.
 (5) Is there a difference between —
 (6) you've got the file you're telling me about that
 (7) it's kept in. You also mentioned radio log.
 (8) Those two different —
 (9) A: The ship's file, it's in the...
 (10) Q: I think I'm happy enough.
 (11) The messages received on the various
 (12) radio channels, or the Sat C, et cetera, it is
 (13) written down somewhere by the ship's officers and
 (14) kept in the ship — the vessel's file?
 (15) A: Yes.
 (16) Q: All right.
 (17) Again, to be specific, May 22nd
 (18) during your 8 to 12 watch, all right, you and the
 (19) captain are on the bridge?
 (20) A: Correct.
 (21) Q: And as you've indicated you —
 (22) things to do including each is watching a radar
 (23) screen.
 (24) A: Correct.
 (25) Q: This is inside, you're not out on

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(1) **A. Callmanescu**
 (2) A: Yes.
 (3) Q: As far as you know, you were the
 (4) only two who were in any position to try to
 (5) listen; is that correct?
 (6) A: We can hear.
 (7) Q: There were no other watch officers
 (8) working at this time; is that correct?
 (9) A: No other watch officers.
 (10) Q: You had no lookouts posted?
 (11) A: No.
 (12) Q: All right. Now, put it this way.
 (13) This is your general experience:
 (14) You've sailed, you've been schooled,
 (15) are you familiar with what we would call the rules
 (16) of the road or SOLAS, Safety Life At Sea,
 (17) regulations?
 (18) A: Yes.
 (19) Q: Are you aware, are you familiar with
 (20) the responsibility of mariners to, if they know,
 (21) to assist other mariners in distress?
 (22) A: Yes.
 (23) Q: Is it your understanding, see, that
 (24) the mariner's duty is that if he hears — if he's
 (25) advised by an urgent message of somebody in peril,

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(1) **A. Callmanescu**
 (2) he should take action to help?
 (3) A: Yes.
 (4) Q: It is not good seamanship to ignore
 (5) a message —
 (6) A: Of course.
 (7) Q: — and just run from the scene; is
 (8) it?
 (9) A: Correct.
 (10) Q: I mean, proper seamanship, see.
 (11) would require, if I hear somebody is in distress,
 (12) I don't mean on the other side of the world, no,
 (13) within — within 30 miles, if I hear that, I have
 (14) an obligation to help?
 (15) A: Correct.
 (16) Q: And the least I should do is to try
 (17) to call somebody, tell the Coast Guard I'm here,
 (18) if you need me; isn't that correct?
 (19) A: Correct.
 (20) Q: You don't just sit and ignore it?
 (21) A: Correct.
 (22) Q: That's very bad seamanship; isn't
 (23) it?
 (24) A: Yes.
 (25) Q: Now, all right. On the afternoon of

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(1) **A. Callmanescu**
 (2) (Recess taken.)
 (3) MR. HEALEY: All right.
 (4) BY MR. HEALEY:
 (5) Q: Now, I'd like you to tell me
 (6) something about the general duties when you're on
 (7) watch. All right? When you're — because I'm not
 (8) talking about any particular day, general duties
 (9) if you're on watch, see.
 (10) You've already indicated how, you
 (11) know, you watch the radar, you fix it at different
 (12) settings, that's part of your general procedure;
 (13) you always do that, right?
 (14) A: Yes.
 (15) Q: The logbook, we were just going over
 (16) that, and as you indicated, that during your
 (17) watch, or any officer's watch, you make those
 (18) entries —
 (19) A: Yes.
 (20) Q: — they're made while you're on
 (21) watch?
 (22) A: Yes.
 (23) Q: So that's another regular — that's
 (24) another routine for the watch?
 (25) A: Routine.

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(1) **A. Callmanescu**
 (2) May 22nd, the NORASIA ALYA before proceeding into
 (3) Port Elizabeth dropped the anchor out at Ambrose,
 (4) right?
 (5) A: Correct.
 (6) Q: Do you know whether or not the
 (7) NORASIA ALYA had a scheduled time to unload over
 (8) at Port Elizabeth?
 (9) A: I don't know.
 (10) Q: Cargo officer is what the chief;
 (11) isn't he?
 (12) A: Yes.
 (13) Q: I don't want to beat this, but I
 (14) want to ask you again. Going back to — remember
 (15) reference to an urgent message from the Coast
 (16) Guard?
 (17) Am I correct nobody consulted with
 (18) you, nobody, captain, other officers, nobody
 (19) consulted with you as to receiving a message?
 (20) A: No.
 (21) Q: Or what we should do?
 (22) A: No.
 (23) MR. WIEGEL: If you have a
 (24) spot when you can take a break.
 (25) MR. HEALEY: Sure.

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(1) **A. Callmanescu**
 (2) Q: Now, I don't know, but we were
 (3) mentioning about, I think you said UHF and VHF.
 (4) This is a radio?
 (5) A: Radio.
 (6) Q: Okay. Now, is there a speaker —
 (7) the watch officer on the bridge —
 (8) A: Yes.
 (9) Q: — do you hear the messages coming
 (10) in?
 (11) A: Yes.
 (12) Q: That's what I'm getting at.
 (13) In other words, you don't have
 (14) someone sitting —
 (15) A: Like one telephone, normal is the
 (16) speaker.
 (17) Q: Okay. That's all —
 (18) A: Loud speaker.
 (19) Q: So the watch officer, the —
 (20) (Interruption.)
 (21) Just again the routine, talking
 (22) about the radio, you hear the speaker, the watch
 (23) officer, would he make notes, will he keep a
 (24) record of, you know, certain messages that come
 (25) in?

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[1] **A. Callmanescu**
 [2] A: Yes.
 [3] Q: All right.
 [4] See, all I'm trying to get clear,
 [5] there are a number of duties that the watch
 [6] officer carries out as a routine while he's
 [7] standing his watch, correct?
 [8] A: Correct.
 [9] Q: And we're going through them.
 [10] Now charts, do you have to make
 [11] entries in charts during your —
 [12] A: The position?
 [13] Q: Yes.
 [14] A: Yes, the position.
 [15] Q: That's all I'm saying. By law
 [16] aren't you required to make —
 [17] A: Noting the position, to find the
 [18] vessel, or the ship's position. You don't to
 [19] run...
 [20] Q: That's exactly what I'm talking
 [21] about. So this is just a routine.
 [22] So the watch officer has to plot and
 [23] chart the vessel's position.
 [24] A: Position.
 [25] Q: Now, on the NORASIA ALYA, see,

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[1] **A. Callmanescu**
 [2] routine that you have to do? I don't know, tell
 [3] me. Do you have to read, do you have to make
 [4] inspections of anything?
 [5] A: No, only on the bridge to assure the
 [6] vessel its safety. Not going into danger or to
 [7] danger to other vessels.
 [8] MR. HEALEY: Do you have a
 [9] copy of this?
 [10] MR. WIEGEL: What's that, the
 [11] statement of facts?
 [12] **BY MR. HEALEY:**
 [13] Q: Just a little detail. Is it
 [14] correct — you've got to make log entries?
 [15] A: Yes.
 [16] Q: And as was pointed out to me, when
 [17] you're looking at your log entry you've got —
 [18] your logbook, you have a right-hand page and a
 [19] left-hand page.
 [20] A: That's right.
 [21] Q: The right-hand page is where you
 [22] make various commentaries about events that
 [23] happened, correct?
 [24] A: Correct.
 [25] Q: On the left-hand page these are all

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[1] **A. Callmanescu**
 [2] there's a chart room; isn't there?
 [3] A: Yes.
 [4] Q: That's right up there on the bridge
 [5] but, you know, it's ast of where the steering
 [6] controls and the radio, right?
 [7] A: Yes.
 [8] Q: Is there any other paperwork, we
 [9] talked about the log, we've talked about you might
 [10] make a note on a UHF radio message, you've got to
 [11] make some entries on the chart.
 [12] Any other paperwork that routinely
 [13] the watch officer keeps during his standing, his
 [14] watch?
 [15] A: No, paperwork. Paperwork
 [16] afterwards.
 [17] Q: No, see I don't know, I'm just —
 [18] see, what I'm trying to find out, and you're
 [19] telling me, is that as a matter of routine, the
 [20] watch standing officer has a number of duties and
 [21] things he has to do while up on the bridge, right?
 [22] A: Yes.
 [23] Q: And we've spoken about log entries,
 [24] charts, listening to messages.
 [25] Anything else that's normally

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[1] **A. Callmanescu**
 [2] kinds of headings, and speeds, and weather; is
 [3] that correct?
 [4] A: Yes.
 [5] Q: Now those also, during your watch,
 [6] you're the man who makes those?
 [7] A: Yes.
 [8] Q: So what we're trying to get at is,
 [9] that is another duty, you have to check all these
 [10] things?
 [11] A: Barometer, thermometer.
 [12] Q: I understand that. Because I'm
 [13] looking at it with you now.
 [14] There are columns, barometer?
 [15] A: Yes.
 [16] Q: No, I didn't think you went out with
 [17] a wind stock.
 [18] A: No, they're a device, automatic
 [19] device.
 [20] Q: All you do is read it?
 [21] A: Look at the device and you have
 [22] correctly the true wind.
 [23] Q: That's what I'm saying. You just
 [24] look at the device, you take the reading and you
 [25] put it in your book?

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(1) **A. Calmanescu**
 (2) A: Yes.
 (3) Q: That's all I'm getting at. Because
 (4) then you — same goes, I assume, because you got
 (5) stuff here on temperature. All you do is go look
 (6) at a —
 (7) A: Thermometer.
 (8) Q: — and read it. And you've got wind
 (9) direction and force.
 (10) You got something that you go out
 (11) and look at?
 (12) A: Yes.
 (13) Q: Or is that something that you judge?
 (14) A: No, it has the device. I look into
 (15) the device and it show the direction and the
 (16) force, and the speed. In the front of the logbook
 (17) you have the scale.
 (18) Q: That's what I'm getting at, because
 (19) in your wind you have direction, that's easy
 (20) enough; southwest, SW, right?
 (21) A: Uh-huh.
 (22) Q: And 7, that relates to the voltage
 (23) scale?
 (24) Look in the logbook —
 (25) MR. WIEGEL: Referring to

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(1) **A. Calmanescu**
 (2) referring to the paragraph that begins
 (3) around 1400 LP master?
 (4) MR. HEALEY: That's correct.
 (5) MR. WIEGEL: Okay.
 (6) Do you see that?
 (7) THE WITNESS: Yes.
 (8) MR. WIEGEL: Okay.
 (9) Q: Now, I think we've covered this.
 (10) You might have said you know nothing about it.
 (11) Why I'm asking you to take a look at this, see —
 (12) A: Yes.
 (13) Q: — this is dated Newport News
 (14) May 25th. You see that in the upper right hand?
 (15) A: Yes.
 (16) Q: Turn the page with me a minute.
 (17) There is — just follow this, there is a
 (18) statement: "All above information is certified by
 (19) master and deck officers as true."
 (20) Do you see that?
 (21) A: Yes.
 (22) Q: Again, going back to that paragraph,
 (23) just going to — that started, you know, around
 (24) 1400 and relates to the EPIRB.
 (25) A: Yes.

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(1) **A. Calmanescu**
 (2) column number 7, correct?
 (3) MR. HEALEY: No, no, not at
 (4) this point. I now moved over to 8.
 (5) Q: Column 8?
 (6) MR. WIEGEL: Okay.
 (7) Q: You got a number, right? And the
 (8) number I think you — is seven.
 (9) Whatever the number is, that relates
 (10) the Beaufort scale?
 (11) A: Beaufort scale.
 (12) Q: What I'm doing, I'm not going to
 (13) beat this to death, I'm going to stop.
 (14) This is the watch officer's duty to
 (15) make these entries, and you do it during your
 (16) watch, and you just explained to us how you go
 (17) read the various gauges, right?
 (18) A: Yes.
 (19) Q: I'm going to ask you to take a look
 (20) at this, it's says "Statement of Facts," it's
 (21) Kowalewski Exhibit 14. Take a look at that.
 (22) Now we'll go — I'm just counting...
 (23) about the eighth paragraph down, see, it refers to
 (24) the Coast Guard broadcast on channel CH16, right?
 (25) MR. WIEGEL: Just — you're

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(1) **A. Calmanescu**
 (2) Q: You told me you knew nothing about
 (3) this EPIRB?
 (4) A: No.
 (5) Q: When this statement was prepared —
 (6) let me withdraw that.
 (7) You didn't prepare this statement,
 (8) the master did, right?
 (9) A: Yes. On the 25th May.
 (10) Q: That's correct.
 (11) But I'm saying you didn't prepare
 (12) this?
 (13) A: No.
 (14) Q: Somebody else did. The master did?
 (15) A: Right.
 (16) Q: But it says, "All information is
 (17) certified."
 (18) There are certain things you don't
 (19) know about. You didn't know about the EPIRB; did
 (20) you?
 (21) A: Yes, I know the EPIRB from the AGC.
 (22) Q: You learned later from this
 (23) information. All right.
 (24) Just tell me, I'm not going to go
 (25) over all this.

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[1] **A. Callmanescu**
 [2] The master prepared it. Did he
 [3] discuss with you all of this information before he
 [4] asked you to put your signature here?
 [5] A: About everything what is here?
 [6] Q: Yes.
 [7] A: We discuss it.
 [8] Q: You did discuss this, okay.
 [9] Were all the officers present during
 [10] the discussion?
 [11] A: We discussing during the watch.
 [12] Q: Oh, okay, I think you answered.
 [13] But I wanted to know whether the
 [14] captain sat down, see, with the chief, the second,
 [15] and yourself. Did you have a — did he have a
 [16] discussion with the four of you together?
 [17] A: Not together.
 [18] Q: Okay. See, then —
 [19] A: I don't remember if all together.
 [20] Q: Well — well, the question was going
 [21] to be, and I don't think you answered, I was going
 [22] to ask you: What did the other people say?
 [23] A: I don't remember.
 [24] Q: You don't remember?
 [25] A: I don't remember.

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[1] **A. Callmanescu**
 [2] Q: You don't remember meeting together.
 [3] And I just — there is some mention
 [4] in there as to — this is at Newport News, as to
 [5] the master checking his radar as against fishing
 [6] boats. Turn the page and you'll see what I'm
 [7] talking about.
 [8] Do you know what I'm talking about?
 [9] A: Yes.
 [10] Q: Now, were you involved at all in —
 [11] I guess what we could call it, testing the NORASIA
 [12] ALYA's radars to pick up fishing boats on the 25th
 [13] of May?
 [14] A: No.
 [15] Q: No.
 [16] A: Maybe the midship mate.
 [17] Q: You see what I'm talking about, the
 [18] captain refers to the fact leaving Newport News,
 [19] see, and then he makes some reference to testing
 [20] the radar.
 [21] All I want to know is, were you
 [22] involved at all in the testing of the radar?
 [23] A: No.
 [24] Q: On the 22nd of May, how were your
 [25] radars operating?

[1] **A. Callmanescu**
 [2] A: Very good.
 [3] Q: They were good?
 [4] A: Good.
 [5] Q: And we know it was foggy on the
 [6] 22nd, but there was hardly any seas; is that
 [7] correct? It was flat?
 [8] A: Yes.
 [9] Q: It was a good day for radar
 [10] reception, right?
 [11] A: Yes.
 [12] Q: And you had those radars what, set
 [13] on — this is on the 22nd, during the time you
 [14] were on watch, you could vary the scale, right?
 [15] A: Yes.
 [16] Q: Were you picking up targets, no
 [17] matter what the scale was?
 [18] A: Yes.
 [19] Q: What I'm trying to say is, it worked
 [20] well?
 [21] A: Yes.
 [22] Q: The radar was returning some targets
 [23] out in front of you, correct?
 [24] A: Yes. Picked up the targets.
 [25] Q: So somebody was watching the radar.

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[1] **A. Calmanescu**

[2] MR. HEALEY: We're done.

[3] MR. WIEGEL: We're done.

[4] Thank you very much.

[5]

[6] (Whereupon, at 11:57 a.m., the
[7] deposition was concluded.)

[8]

[9]

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[1]
[2] CERTIFICATE[3]
[4] STATE OF _____;
[5] COUNTY/CITY OF _____;[6]
[7] Before me, this day, personally appeared ADRIAN
[8] CALMANESCU, who, being duly sworn, states that
[9] the foregoing transcript of his/her deposition,
[10] taken in the matter, on the date, and at the time
[11] and place set out on the title page hereof,
[12] constitutes a true and accurate transcript of said
[13] deposition.[14]
[15]
[16]

ADRIAN CALMANESCU

[17]
[18]
[19] SUBSCRIBED and SWORN to before me this _____
day of _____, _____. In the
[20] jurisdiction aforesaid.[21]
[22]
[23]
[24] My Commission Expires Notary Public
[25]

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[1]
[2] DEPOSITION ERRATA SHEET
[3] RE:
FILE NO.
[4] CASE CAPTION: MICHAEL STEPSKI, et al. vs.
[5] THE M/V NORASIA ALYA, et al.
[6] DEONENT: ADRIAN CALMANESCU
DEPOSITION DATE: September 12, 2007
[7]
To the Reporter:
[8] I have read the entire transcript of my Deposition
taken in the captioned matter or the same has been
[9] read to me. I request for the following changes
be entered upon the record for the reasons
[10] indicated.
I have signed my name to the Errata Sheet and the
[11] appropriate Certificate and authorize you to
attach both to the original transcript.[12]
[13]
[14]
[15]
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24] SIGNATURE: _____ DATE: _____
[25] ADRIAN CALMANESCU

[1]

CAPTION

[2]

[3]
[4] The deposition of ADRIAN CALMANESCU, taken in the
[5] matter, on the date, and at the time and place set
[6] out on the title page hereof.

[7]

[8]

[9] It was requested that the deposition be taken by
[10] the reporter and that same be reduced to
[11] typewritten form.

[12]

[13]

[14] It was agreed by and between counsel and the
[15] parties that the Deponent will read and sign the
[16] transcript of said deposition.

[17]

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

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[26]		

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[1]		
[2]	CERTIFICATE	
[3]	STATE OF NEW YORK)
[4]	COUNTY OF NEW YORK)
[5]	I, LINDA D. DANIELCZYK, a Certified	
[6]	Shorthand Reporter, Registered	
[7]	Professional Reporter and Notary Public	
[8]	within and for the States of New York and	
[9]	New Jersey, do hereby certify:	
[10]	I reported the proceedings in the	
[11]	within entitled matter, and that the	
[12]	within transcript is a true record of such	
[13]	proceedings.	
[14]	I further certify that I am not	
[15]	related, by blood or marriage, to any of	
[16]	the parties in this matter and that I am	
[17]	in no way interested in the outcome of	
[18]	this matter.	
[19]	IN WITNESS WHEREOF, I have hereunto	
[20]	set my hand this 8th day of October, 2007.	
[21]	LINDA D. DANIELCZYK, C.S.R., R.P.R.	
[22]	License No. 30X100188700 - N.J.	
	My Commission Expires:	
[23]	11/24/2008 - No. 2048904	
	License No. 001002 - N.Y.	
[24]	My Commission Expires:	
	8/20/2010 - No. 01DA4952883	
[25]		
[26]		
[1]		

Lawyer's Notes

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Lawyer's Notes
